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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL J. FLYNN,)
Plaintiff,) Civil Action No.
vs.) 83-2642-C
LAFAYETTE RONALD HUBBARD) MARY SUE HUBBARD'S
a/k/a L. RON HUBBARD,) MOTION FOR LEAVE TO
Defendant,) INTERVENE; DECLARATION
and) OF MARY SUE HUBBARD
MARY SUE HUBBARD,) [F.R.C.P. Rule
Intervenor-) 24(a)(2), (b)(2)
Defendant.)

COMES NOW, MARY SUE HUBBARD, and moves for leave to intervene as a Defendant in this action, in order to assert the defenses and claims set forth in her proposed answer and counterclaim. As grounds for this motion, the applicant states:

1. She is the wife of Defendant L. RON HUBBARD and seeks intervention to protect her interests in his assets.
2. She is named in the Complaint as a co-conspirator with Defendant L. RON HUBBARD and seeks to protect her reputation which has been placed at issue by Plaintiff.
3. She intends to assert defense to Plaintiff's claim not likely to be asserted by Defendant L. RON HUBBARD who will not adequately defend her interest in his assets or her reputation.

4. She has asserted counterclaims against Plaintiff which have common questions of law and fact with Plaintiff's Complaint herein.

5. There is accompanying this motion an Answer and Counterclaim setting forth the claims and defenses for which intervention is sought.

This Motion is based upon the accompanying Declaration of Mary Sue Hubbard and Memorandum of Law, and upon such evidence as may be adduced at a hearing on this Motion.

Wherefore, the applicant prays that this Motion be granted.

Applicant requests oral argument on the foregoing motion.

DATED: September 30, 1983

Respectfully submitted,

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MARY SUE HUBBARD

C/S:5

30.9.83

DECLARATION OF MARY SUE HUBBARD

I, MARY SUE HUBBARD, declare and say:

1. I am the wife of L. Ron Hubbard, the sole named defendant in this action, Michael Flynn v. Lafayette Ronald Hubbard No. 83-2642-C (D. Mass). My husband and I have been married since 1952. I am also the Mary Sue Hubbard who is mentioned prominently in the complaint as my husband's agent in carrying out the alleged wrongs pled in the complaint.

2. I am submitting this declaration in support of my accompanying Motion to Intervene in this proceeding. The necessity of my intervention, as I will detail below, is the result of the following circumstances: 1) my husband is and has been in seclusion and, it is my belief, will not appear and defend this action; 2) plaintiff Michael Flynn is fully aware of this fact and, I believe, has filed this action, naming only my husband as a defendant, with the express design of obtaining a default judgment against my husband and in the belief that he will never be required to prove the allegations in his complaint; 3) I am dependent on my husband for my financial support, and am a primary legatee in his will, and therefore have a great financial stake in the outcome of this case, which seeks \$141 million dollars in damages, and which recovery threatens my financial support and future; 4) I held the position within the Church of Scientology structure throughout much of the time period alleged in the complaint that would have had supervisory responsibility for the activities alleged by Flynn, and therefore am the material party, or one of the material parties, who would

have directed many of the activities alleged if they had in fact occurred; 5) because of my relationship to my husband and my role in the Church of Scientology, my reputation and good name are directly impugned by the allegations in the complaint; and 6) I have a counterclaim against Mr. Flynn for abuse of process for the filing of this action, for abuse of process and malicious prosecution for the filing of a prior action by Mr. Flynn (as counsel), which action was dismissed and had been filed in order to identify my husband's location, and identify and secure my husband's assets for purposes, in part, of obtaining a successful default judgment here, and for libel for disseminating to the press the defamatory contents of Mr. Flynn's complaint both before and after its filing.

3. It is important to make one final introductory point. The circumstances giving rise to the plaintiff's complaint arise from developments too complex to detail here. However, the issues at hand cannot be properly understood unless it is clear that the present suit is one that is inextricably linked to the activities of various Churches of Scientology, to my husband's and my relationship to those activities, and to Michael Flynn's several years history of efforts, to date unsuccessful, to collect a substantial recovery for his clients, and thereby himself as well, in their lawsuits against various Churches of Scientology, my husband and myself. Both Mr. Flynn's complaint and my counterclaim center on the history, development and handling of these lawsuits.

4. I shall now proceed to elaborate the factual basis for the above statements.

MARY SUE HUBBARD HAS A FINANCIAL
AND ECONOMIC INTEREST IN THIS PROCEEDING.

5. My husband is virtually my sole source of support and maintenance. Since May, 1981, when I resigned my position with the Church of Scientology of California, I have had no employment which provides me with an independent income. Since 1981, I have regularly received substantial monthly checks from funds provided by my husband for my support. With insignificant exceptions, I have no other source of income. While I am presently in federal custody on an unrelated matter, I receive funds from my husband for my present support, and I anticipate that, in the future, I will continue to depend almost exclusively on the financial support provided me by my husband. In addition, I presently have no job skills which would provide me with an independent income comparable to that presently provided me by my husband.

6. In addition to receiving my husband's financial support, I am a primary personal legatee in his will, and have been substantially provided for in it. Although I am not familiar with all of my husband's assets, I do know that, in addition to personal property and other assets, my husband is the copyright holder of the large amount of books that he has written, numbering over a hundred, and is entitled to receive royalty payments on the continuing sales of these books. For example, his recently published Battlefield Earth has been listed both by Time and UPI among the top ten bestselling hardcover works of fiction. Should my husband predecease me, I would be

the beneficiary of a substantial portion of my husband's estate, which I believe at present is significant.

7. As L. Ron Hubbard's wife, I am determined to do everything I can to protect my husband's interests, including the preservation of his property. We have been married for over thirty years, and the tranquility and stability of our marriage is of great personal importance to me. However, in view of my own substantial dependence upon and interest in my husband's property, I have a direct, personal interest in my husband's property, and in preventing its unjust seizure. Should a default judgment be entered in this case because there is no party to demonstrate the invalidity of Mr. Flynn's allegations, and then be satisfied out of the property of my husband, I would be directly and personally seriously injured by the impairment, if not total destruction, of my husband's ability to support me, and by the diminution, partial or total, of his estate. In this regard, I note that Mr. Flynn is seeking \$141 million dollars in damages. In short, such a default judgment would have a catastrophic direct impact upon my financial interests, and would deprive me of property prior to any determination of the validity of plaintiff's allegations. I respectfully submit that such a scenario would work a substantial hardship upon me and, without any determination of the merits or plaintiff's allegations, would be unjust and unnecessary since I am ready and able to appear as an intervening defendant in this action.

8. Unless I am permitted to intervene in this action, I am gravely concerned that I will be deprived of my property and my

means of support by the utilization of procedural tactics by Mr. Flynn that avoid any examination of the merits of his claim.

L. RON HUBBARD IS IN SECLUSION.

9. My husband and I married in 1952 shortly after he had written the book Dianetics: The Modern Science of Mental Health. This was during the formative years of Scientology, which was an outgrowth of my husband's work in Dianetics. During the early 1950's, the philosophy of Scientology was developed by my husband, and its character as a fully developed religious philosophy took shape. While I will not attempt here to explain the basic features of Scientology's beliefs, it is critical that the court understand that Scientology beliefs are based solely upon research and writing conducted by my husband over the past thirty or more years. His research and writing are the basis, continually developing, of the organization and technology of Scientology. My husband is revered as the Founder of Scientology, and I believe he will be for generations of Scientologists to come.

10. Because of the central role that my husband has played throughout Scientology's development, attacks on Scientology by those who have been critical of it have focused in large part on him, and there have been many such attacks and controversies. While the substance of these matters is not important here, what is important is that the court understand the fact of the controversy and of the focus of critics of Scientology on my husband, for these facts help to explain my husband's style of life and, more particularly, why he presently chooses to be in seclusion.

11. Because my husband's work is so vital to Scientology, and because he sometimes feels the need to be able to work in a completely unimpeded way, he at times has gone into total seclusion with only a small number of personal aides. An example of this was in 1972 when he left for nearly a year and carried out a great deal of new research and work secretly in New York; no one, including myself, knew where he was, except those who were with him. He, of course, knew how to reach us, and, at times, he would request certain information which would be hand delivered to a personal aide who was with him, which would then be returned to him.

12. Somewhere around March, 1980, my husband again went into complete seclusion. While I did not discuss this fact with him before he left, it did not surprise me that he did so. As I have indicated, public controversy about Scientology had arisen at various times over the years. Early 1980 was such a time. The indictments of several Scientologists had resulted in convictions, including of myself. This fact alone served to swell public controversy and to spur a great variety of hostile press reports about Scientology and my husband; this was particularly so since I, L. Ron Hubbard's wife, was one of those convicted. In addition, at the time of the initial sentencing in that case (November, 1979), United States District Judge Richey publicly released tens of thousands of pages of Scientology documents that had been seized by the United States. This further inflamed public controversy and press attention. Finally, an individual named Julie Christofferson had sued one of the Churches of Scien-

tology in Oregon, and had gotten a judgment (which has since been reversed on appeal) of over two million dollars; this too added to the continuing public attention on Scientology. I believe that my husband concluded, properly as it turned out, that this controversy was likely to intensify and that, if he was to work on his research and writing unimpeded and without constant efforts from various sources to intrude on his work, his security and his privacy, he would have to go into seclusion. This action was consistent with his past method of ensuring that he could continue his work without interruption.

13. Because my husband highly values his constitutional right to privacy and is in seclusion, because (as I elaborate further on) he has not been responsible for day to day activities of any of the Churches of Scientology for many years and has not directed any of the activities alleged in the underlying complaint and in Mr. Flynn's other lawsuits, and because his work in further developing Scientology is the most important thing in the world to both him and to Scientology, I do not believe that he will appear in this proceeding even to defend himself against the completely baseless claims made by Mr. Flynn in his complaint. Indeed, I know of no one who knows where my husband is, including myself.

14. Mr. Flynn is fully aware of the fact that my husband is unlikely to appear in this case and, indeed, is, I believe, counting on that fact. I base this statement on the following facts:

A. Mr. Flynn is the attorney for over a dozen plaintiffs suing the Church of Scientology, my husband and/or myself around the country, and is in some type of cooperative association with other attorneys representing clients suing us. In none of the suits where my husband is named has he appeared to personally defend the suits. (See ¶4 of the Counter-Claim accompanying this Motion to Intervene for a detailing of the suits in which my husband is named, which listing is incorporated by this reference).^{1/}

B. In November, 1982, after having attempted unsuccessfully to obtain a financial recovery in the course of his litigation with the Church, Mr. Flynn acted as the attorney for Ronald DeWolf -- my husband's estranged son from a former marriage -- in filing a petition with the Superior Court of the State of California asking that my husband be declared a missing person whose estate was in need of court supervision and care, and that Ronald DeWolf be appointed trustee of my husband's

^{1/} There are two suits in the United States District Court for the Middle District of Florida, Burden v. Church of Scientology of California, et al., No. 80-501-C-T-K, and McLean v. Church of Scientology of California, et al., No. 81-714-C-T-K, in which an attorney has appeared on behalf of my husband. However, those appearances came about as the result of the California Church having asked an attorney to appear for my husband without any authority from my husband to do so. There is pending before those courts a motion by that attorney to withdraw as my husband's counsel. To my knowledge, my husband has never authorized an attorney to appear in any of these actions for him.

estate. See In re the Estate of L. Ron Hubbard, No. 47150 (Riverside County Superior Court).

I was able to appear as respondent in that suit and obtained a summary judgment ruling dismissing the petition.^{2/} Although my husband became aware of the pendency of the petition and although the petition sought to attach his whole estate, my husband never appeared in it. Instead, he only sent a letter and then a declaration to the court. In his declaration in that case my husband stated, "I am in seclusion of my own choosing," and "I am actively researching and writing ... in connection with the religion of Scientology." Hence, it is clear that Mr. Flynn is well aware of my husband's self-imposed seclusion.

C. Mr. Flynn has recently filed in this case a document entitled Motion to Strike Letter Dated September 14, 1982, in which he recites his knowledge of my husband's lack of appearance in other cases, states that it "is speculation at this point that Mr. Hubbard will even appear," and refers to the possibility of a default

^{2/} This petition is relevant not only because it reflects Mr. Flynn's knowledge that my husband is unlikely to appear in the instant proceeding, but also because it is directly relevant to my counterclaim in this suit, to wit, that Mr. Flynn, despite his obvious conflict of interest, instigated and counseled Mr. DeWolf to file the probate action so that Mr. Flynn could identify and, if possible, secure my husband's assets, and/or identify his location, subsequent to which he would be in a position to file and serve this action only against my husband, secure a rapid default judgment, and then collect from the previously identified assets. (See ¶29 of this declaration and my accompanying counterclaim.)

being entered against my husband in this case. Thus, Mr. Flynn admits that he has no expectation that my husband will appear in this case.

L. RON HUBBARD'S ACTUAL LIABILITY FOR MANY
OF THE ACTS ALLEGED IN THE COMPLAINT
COULD ONLY BE AS A RESULT OF THE ACTS
OF MARY SUE HUBBARD.

15. The Flynn complaint alleges a massive conspiracy against Mr. Flynn, carried out by the Guardian's Office of the Church of Scientology and by various individuals associated with the Guardian's Office, all of which, including me, are alleged to be agents of my husband, acting on his direct orders. This conspiracy is alleged to have begun sometime in 1979 and continued until recently. For a substantial period of the time alleged in the complaint, any such activities by the Guardian's Office would have been done under my overall supervision, and my husband's alleged involvement and liability would have been through me and therefore directly dependent on my own involvement and liability. Indeed, most of the individuals named as having committed tortious acts against Mr. Flynn were Guardian's Office personnel over whom I had ultimate supervisory responsibility until my resignation from my Church position in May, 1981.

16. From 1969 until May, 1981, I held the position of Controller in the Church of Scientology of California. In that capacity, I was responsible for the coordination of the activities of all Guardian's Offices in the Churches of Scientology, including the United States Guardian's Office and the Guardian's

Office World Wide, with the overall management of all the Churches of Scientology around the world, and to oversee generally the management responsibilities of the Guardian's Office World Wide as they related to the various Guardian's Offices around the world.

17. The Guardian's Office was established and operated to act as a buffer between the Church's regular religious activities and the outside world, thus permitting the Church to carry out its internal and religious activities in the most favorable environment. The Guardian's Office was responsible for all litigation matters, all public relations matters, and all matters relating to disagreement between the Church and those outside the Church, among others. Hence, any advice from my husband relating to such matters was received in my office and known personally to me. While I was not personally familiar with the great majority of material sent to my office, as my office would receive copies of a tremendous amount of materials, I was personally familiar with all communications to or from my husband regarding any Guardian's Office activities because such communications went through me personally.

18. During my tenure as Controller, I had close personal and organizational contact with my husband,^{3/} and am personally familiar with the activities he engaged and did not engage in until May, 1981, as they related to Scientology. I was informed

^{3/} This statement should be qualified in that, at certain times, such as the past period, my husband was in seclusion and had no close contact with anyone, including me.

as a matter of regular practice of any contact coming from my husband that related to matters within the jurisdiction of the Guardian's Office.

18. My husband resigned as the Executive Director of the Church of Scientology of California in 1966, and subsequently held only the position of Founder and Author. His main function in the Church after 1966 was the further research and development of Scientology teachings and technology. Occasionally, he would give advice on one or another organizational problem or issue facing the Church, but he was not responsible for day to day management or organizational activities; nor did he in fact engage in such activities on a day to day basis after 1966. (Since March, 1980, he has had no direct involvement, so far as I am aware, in day to day Church management activities even on an occasional basis.)

19. My husband never had the responsibility to act as the overall supervisor of the Guardian's Office. The Guardian's Office was an autonomous department of the Church, and any responsibility for supervision of its activities by someone not actually a member of the Guardian's Office rested with me and those who worked in my office. My husband did not have regular contact with the general activities of the Guardian's Office. On occasion, his opinion might have been sought on a particular problem, or he might make a particular suggestion (such as the need to research the origin of false reports against the Church), but he neither controlled nor supervised Guardian's Office acti-

vities, and never assumed any position of ultimate control for its activities.

20. At no time did I or members of the Guardian's Office act as personal agents of my husband, nor did he ever authorize us to act in such a capacity. Rather, members of the Guardian's Office and I carried out our various functions as members of the Church staff.

21. I, through the Controller's Office, and not my husband, had responsibility for the general overseeing of the Guardian's Office World Wide, which in turn supervised the Guardian's Offices around the world through their continental management offices.

22. Michael Flynn has alleged in numerous of his cases that I am or was the second person in the Scientology command structure or hierarchy, that I operated the Guardian's Office pursuant to my husband's overall policy and acted as my husband's top agent in so doing, and that Scientology was run by my husband and me. Although he omitted such allegations in his present complaint, perhaps to try and downplay his allegations against me in order to blunt an effort on my part to intervene, numerous complaints in cases in which he is an attorney make such claims, thus demonstrating my centrality to the theory and merits of his allegations. For example:

A. In the Second Amended Complaint in Burden v. Church of Scientology of California, et al., No. 80-501-Civ.-T-K, served April 29, 1982, in which my husband and I are named as defendants and in which Michael Flynn is counsel of record, it is alleged that

-- "L. RON HUBBARD (Hubbard) is the founder of California and at all times material to this complaint was, by virtue of his role as the founder and leader of Scientology, overall supervisor of the Guardian's Offices (G.O.) of California and overall supervisor of the Commodore's Messenger Org (C.M.O.)." (pg. 2)

-- "MARY SUE HUBBARD (M.S.H.) is the wife of Hubbard, the founder of California. M.S.H. held the title of 'Controller' and 'Commodore Staff Guardian' (CSG) and as the second person in the hierarchy of the Church of Scientology, had duties which included supervision of the Guardian's Office. M.S.H. exercised control of the Guardian's Office" (pg. 3)

-- "M.S.H. was the 'Controller' of 'California' and the supervisor of all Guardian's Office (G.O.) activity. M.S.H. acted as the agent of Hubbard and used 'California' to implement Hubbard's policies. The G.O. operated, dominated and controlled 'California' and all other Scientology organizations, and was an integral part of all of 'California's' operations, practices, policies and activities." (pg. 29)

B. In the Fourth Amended Complaint in Paulette Cooper v. Church of Scientology of Boston, et al., No. 81-681-Mc, dated June 29, 1982, in which my husband and I

are named as defendants and in which Michael Flynn is counsel of record, it is alleged that

-- "The defendant, L. Ron Hubbard, is the founder of the Scientology organization, author of Scientology publications and controls the administrative and financial decision of all Scientology Churches ..." (pg. 2)

-- "The defendant, Mary Sue Hubbard, wife of the founder of Scientology, is the head of the Guardian's Office and as such directs and is responsible for all covert illegal activities perpetrated in the United States by the Guardian's Office." (pg. 2).

-- "L. Ron Hubbard and Mary Sue Hubbard operate, control and maintain Boston and California for various illegal, fraudulent, and tortious purposes, including the illegal, criminal and tortious activity set forth in this Complaint."

(pg. 3)

-- "L. Ron Hubbard and Mary Sue Hubbard throughout the period set forth in this Complaint have been engaged in illegal, criminal and tortious activities designed to perpetrate a nationwide scheme of fraud and infliction of personal injury." (pg. 3)

-- "In the mid 1960's, Hubbard and his followers created the 'Guardian's Office.' The Guardian's

Office has since that time become an integral part of every Scientology organization in the United States. The Guardian's Office is headed by Mary Sue Hubbard." (pg. 21)

-- "From its inception, the Guardian's Office was authorized to silence critics of Scientology and thwart investigations of Scientology by means of criminal and tortious acts. For many years the Guardian's Office has engaged in criminal activity against private citizens and government agencies who have dared to criticize or investigate Scientology." (pg. 2)

C. In the consolidated complaints of Peterson, Jefferson, Garrity and Lockwood v. Church of Scientology of California, L. Ron Hubbard and Mary Sue Hubbard, Nos. 81-3529, 81-3261, 81-3260, and 81-4109 (C.D. Cal.) (CBM), respectively, in which Michael Flynn is an attorney for the plaintiffs (although not of record), the allegation is made that my husband controls all Scientology organizations, that I am the "chief executive and highest 'official' title holder of Scientology," that I "operate and control the organization [Scientology] under the direct control" of my husband, and that my husband and I "operate, control and maintain Scientology for various illegal and fraudulent purposes." (pg. 3)

D. In the Third Amended Complaint in Van Schaick v. Church of Scientology of California, No. 79-2491-G (D. Mass.), in which my husband and I are not named as defendants^{4/} and in which Michael Flynn is counsel of record, it is alleged that my husband is the founder of Scientology, has sole control over it, and that I am "the second person in the hierarchy of Scientology," "supervisor of the Guardian's Office," and in that capacity "specifically implemented the operation of the Fair Game Doctrine" which Mr. Flynn alleges he was the victim of in the underlying complaint.

23. In his complaint, Mr. Flynn makes reference to and relies upon a stipulation of evidence in the case of United States v. Mary Sue Hubbard, et al., No. 78-401 (D.C.C.), a case in which I was a defendant. That stipulation of evidence, which, as part of a plea bargain, was a stipulation of the evidence that the government claimed it would present, and not of the truth of any of that evidence, is relied on by Mr. Flynn in ¶9 of his complaint as part of his description of my husband's position within Scientology. Since Mr. Flynn is relying on this stipulation, I should point out that the stipulation asserts that I was in charge of the activities of the Guardian's Office and was second only to my husband in the Scientology hierarchy, thus supporting my point that Mr. Flynn's theory and allegations necessarily point to me in my role as Controller until my resignation in May,

^{4/} My husband was originally named as a defendant in that action and subsequently dropped.

1981. The stipulation reads that I "held the titles of 'Controller' and 'Commodore Staff Guardian' (CSG), was the "second person in the hierarchy of Scientology" and "had duties which included supervision of the Guardian's Office." (pg. 8)

24. The Flynn complaint accuses not only my husband but me of knowing participation in a conscious conspiracy to destroy him. This conspiracy is alleged to have been carried out through the Guardian's Office over many years. The complaint names me as one of the agents in effecting the conspiracy. The alleged conspiracy's sweep is so broad that it is difficult to characterize, but it encompasses a plan to murder Flynn, steal from his office, destroy his law practice, harass him through the legal system, and other wrongful, illegal or unconscionable activity. I am clearly accused of this conduct by the complaint. When the complaint is read alone, or especially is viewed in light of Mr. Flynn's long standing claim that I was the person who ran the Guardian's Office on my husband's orders, it is clear that I am in fact accused by the complaint of being a central and key figure in this alleged conspiracy. I note that one of Mr. Flynn's "causes of action" is for a RICO violation and that the language of that cause of action is virtually identical to the RICO allegation contained in Paulette Cooper v. Church of Scientology of Boston, et al., No. 81-681-MC (D. Mass.), except that in the Cooper allegations my husband and I are jointly accused of operating Scientology as a racketeering enterprise whereas in the underlying complaint only my husband is accused

directly of racketeering.^{5/} (See ¶22(B), above.) This again reflects the fact of my central role in Mr. Flynn's theory and allegations, and my consequent interest in responding to them.

25. The complaint filed by Mr. Flynn in large part alleges specific wrongdoing by the Guardian's Office during the period of time when it was my responsibility to supervise the overall activities of the Guardian's Office in my capacity as Controller. Indeed, it makes specific accusations for that time period against individual Guardian Office staff members who were my juniors, including against members of my own staff in the Controller's Office. I point this out to show my personal interest in responding to these allegations and the centrality of my activities to Mr. Flynn's allegations. Among the allegations in Mr. Flynn's complaint which relate directly to me in my former capacity as Controller of the Church of Scientology of California are the following:

A. ¶'s 16 and 17 of the complaint allege that Flynn and his clients received, between July and September, 1979, harassing phone calls conducted by several Guardian's Office staff members. Among those named as having engaged in this activity is James Mulligan, who, at that time, was a member of my staff in the Controller's

^{5/} Actually, at one point in the underlying complaint, at ¶101, Mr. Flynn -- in the context of his RICO allegation -- states that "individuals controlling the local organizations of Scientology ... report directly to the Hubbards," i.e., my husband and myself. Apparently, in drafting that paragraph of his complaint, Mr. Flynn neglected to change that language contained in the Cooper RICO complaint so that it would refer only to my husband.

that time, was a member of my staff in the Controller's Office and who reported directly to me.

B. ¶'s 18 and 19 of the complaint allege that, on October 19, 1979, agents of the Guardian's Office placed water balloons in Flynn's airplane gas tank in an attempt to murder him. The individuals named are my Controller's Office staff member, named above, James Mulligan, and Joseph Lisa, who was a Guardian's Office staff member at the time. Hence, it is obvious that Flynn is claiming that I was personally responsible for this alleged attempt on not only his life, but that of three other people, including his child.

C. In ¶21 of his complaint, Flynn alleges that the conviction of several of the "highest officials" in the Guardian's Office evidences the conspiracy he alleges. I was one of the defendants in that case, which is entitled United States v. Mary Sue Hubbard, et al., No. 78-401 (D.D.C.).

D. ¶'s 23 through 29 of Flynn's complaint allege that, in late 1979 and throughout 1980, Flynn was the subject of a campaign of hundreds of instances of harassment and numerous malicious lawsuits and bar complaints filed against him. All of this is alleged to have been conducted by the Guardian's Office, over which I had supervisory responsibility during this period.

E. ¶'s 30 and 31 of the complaint allege that during 1979, 1980 and 1981, the Guardian's Office stole documents

from Flynn. Again this claim relates directly to me in my capacity as Controller, and again James Mulligan from my office is named as having directly participated in this alleged activity.

- F. ¶32 of Flynn's complaint contains a broad sweep of allegations concerning alleged efforts to destroy his reputation and legal practice, all carried out through the Guardian's Office, and all apparently occurring while I was the Controller.
- G. ¶'s 33 and 34 of the Complaint allege improper activities in litigation during the year 1980, while I was Controller. The responsibilities of the Guardian's Office and, ultimately, of the Controller's Office, included litigation matters.
- H. ¶35 alleges theft from Flynn by the Guardian's Office in January, 1981, when I was the Controller.
- I. ¶'s 36 through 39 of the complaint allege that the Guardian's Office wrongfully obtained and used information concerning Flynn's litigation strategy and concerning the establishment of a corporation for his Scientology litigation called Flynn Associates Management Corporation (FAMCO). I was the Controller at the time that the Church discovered Mr. Flynn's plans in regards to FAMCO.
- J. In ¶55 of the complaint, Flynn complains of allegedly libelous statements made about him by agents of the

Guardian's Office in December, 1979, and April, 1981, periods during which I was Controller.

MARY SUE HUBBARD'S REPUTATIONAL INTERESTS

ARE IMPLICATED BY THE FLYNN COMPLAINT.

26. As I have already explained, Mr. Flynn's complaint accuses me personally of being a participant in the conspiracy he alleges. His allegations are, in all material respects, false both regarding my husband and myself. If I am unable to intervene in this action, and in light of the fact that it is unlikely that my husband will appear, then these allegations will stand unchallenged and may even result in a default, which in turn will give rise to the inference that the allegations have merit and substance. Thus, only if I am able to intervene will I be able to prevent serious harm to my reputation. This is particularly important to me because, quite frankly, the fact of my conviction in United States v. Mary Sue Hubbard, et al., No. 78-401 (D.D.C.), makes the press and the public more susceptible to claims of wrongful conduct by me. I have acknowledged acts that were wrong which I did in connection with the above criminal case, and I have paid my debt to society for them. But this does not make me grist for the mill of anyone who chooses to cast unfounded claims of criminality against me, as Mr. Flynn has done. I am prepared to and intend to defend against Mr. Flynn's complaint and to show that it is groundless and pursued for self-serving and avaricious ends. I should be permitted to defend my own good name.

MARY SUE HUBBARD'S COUNTER-CLAIM
AGAINST MICHAEL FLYNN RAISES ISSUES
INEXTRICABLY INTERWOVEN WITH THE
ISSUES IN MICHAEL FLYNN'S COMPLAINT.

27. Further, the validity of Mr. Flynn's complaint and its effect on my reputation is directly raised as an issue in my counterclaim filed concurrently with this motion. One of the counts in the counterclaim is for libel based on the fact that Mr. Flynn provided to the press, prior to and after the filing of his suit, his complaint in this case. Prior to the filing of the suit, he disseminated a draft which contained the same allegations regarding me that are contained in the version of the complaint filed by Mr. Flynn. And, after its filing, it appears that he was involved in initiating its dissemination to the press. My counterclaim puts the truth or falsity of Mr. Flynn's allegations in the underlying complaint regarding me in issue, and puts the harm to my reputation in issue as well. Hence, it seems reasonable, and to conserve judicial resources, to simultaneously allow me to appear as a defendant in the Flynn complaint since there is such an overlap with the issues raised in my libel counterclaim.

28. In addition, the other claims in my counterclaim relate to and are bound up with the actual issues raised in Mr. Flynn's complaint. This is so because the trial of Mr. Flynn's allegations will focus on the methods and means used to defend against the flood of cases which he has filed against various

Churches of Scientology, my husband, and myself. In effect, Mr. Flynn is claiming that improper, illegal and tortious activities were carried out by my husband, myself and the Church in defending against his lawsuits and in matters flowing from the development of that litigation. It is important to understand this because the other claims in my counterclaim all relate to that same issue, but from the other side, so to speak. That is, my claims are based upon Mr. Flynn's malicious and abusive employment of the legal system at certain stages in the litigation for collateral and/or improper purposes. Mr. Flynn's claims and mine overlap and are inextricably interwoven in that they both raise the issue of who has acted improperly and tortiously in the course of the litigation.

29. Specifically, my counterclaim alleges that Mr. Flynn became embroiled in litigation against the Church, my husband and myself to the point that it was the focus of his practice; that he had planned and hoped for a quick and large financial return, which he was unable to obtain; that he found himself bogged down in the litigation with questionable prospects of a quick recovery or even any recovery; that he realized that, while the Church and I appeared and defended these suits, my husband was unavailable and did not; that he, in an effort to gain the most rapid financial recovery, attempted to obtain default judgments against my husband, but discovered that he was unable to do so in suits in which the Church and I were named and appeared; that he determined to find a vehicle which would permit him to identify

and if possible secure my husband's assets, and/or identify his whereabouts, for purposes of his other litigation and for purposes of having assets available to him to collect on a default judgment; that he devised a plan to identify those assets and/or my husband's whereabouts, and then sue my husband only so that he could obtain a quick default judgment against him; that, as part of his plan, he counseled my husband's estranged eldest son, Ronald DeWolf, to file a probate suit to declare my husband a missing person whose estate was in need of court supervision; that such a suit was in fact filed, and I was forced to appear and defend it; that I was granted summary judgment in that suit; that that suit was filed without probable cause and for improper collateral purposes of trying to force a financial settlement in Mr. Flynn's cases and of identifying my husband's assets and/or whereabouts for use in other cases, including the underlying complaint; that Mr. Flynn had a conflict of interest in acting as DeWolf's counsel but did so nonetheless; that Mr. Flynn did in fact use the information he obtained from the probate suit in other suits, and even was held in contempt of court for violating a court order for doing so; that these acts, and other related ones which I have not detailed, constituted malicious prosecution and abuse of process in the conduct of the probate suit; that, having improperly discovered information about my husband's financial affairs through the probate suit, Mr. Flynn then filed the underlying complaint herein, naming as a defendant only my husband with the objective and in the expectation that my husband would not appear to defend and that Mr. Flynn would thereby

obtain a rapid default judgment, and then collect on my husband's assets; that Mr. Flynn did not have a reasonable or good faith belief in the allegations in the underlying complaint, or in my husband's relationship to them; that Mr. Flynn abused process in his dissemination of the complaint to the press; and that the filing of the underlying complaint constitutes an abuse of judicial process. (My full counterclaim is submitted concurrently with this Motion to Intervene, and by this reference I incorporate its allegations as if fully set forth herein).

30. As even this cursory description of the allegations in my counterclaim demonstrates, my counterclaim and Mr. Flynn's allegations are inextricably bound up with each other. Indeed, they are mirror images of each other, as the central allegations of both relate to alleged tortious conduct in the conduct of Mr. Flynn's "Scientology litigation." I am fully prepared to defend my actions in the course of Mr. Flynn's flood of litigation against the Church, my husband, and myself, which is what his complaint claims to have been tortious, and to show that it is in fact Mr. Flynn who has acted improperly in the course of this litigation, and that it is Mr. Flynn -- not my husband or myself -- who has engaged in tortious conduct in the course of this litigation. I am fully prepared to show that neither my husband nor I have committed the wrongful acts alleged by Mr. Flynn in his complaint. I am fully prepared to show that, for the majority of the wrongful activity alleged in the complaint, my husband would have acted only through me, and that he did not do so.

CONCLUSION

32. For all of the reasons stated above, I urge that this court grant me leave to intervene as a defendant and counter-claimant in this case. If I am not permitted leave to do so, I will be grievously harmed economically because of my personal interest in my husband's finances and estate; I will be grievously harmed because of the damage it will cause to the tranquility and future of my marital relationship; and I will be grievously harmed because of the damage that will be done to my reputation and to my peace of mind. If I were not granted leave to intervene, the issues raised in my counterclaim would nonetheless be pursued by me in a separate action, and greater duplication of judicial resources would result. I realize that, even if I am granted leave to intervene, the legal issue of whether a default will be entered against my husband if he does not appear will remain. However, even if a default were to occur in that situation, my presence in the suit would permit a determination of the claims on their merits, which in turn could significantly affect the handling by the court of any determination of default as well as affect the handling of damages. In any event, it is in my interest to appear and defend this suit regardless of how the court may ultimately resolve the issue of a non-appearance by my husband. I urge that this court grant my request and ensure that the merits of Mr. Flynn's allegations can and will in fact be determined in the course of an adversary proceeding.

I declare, under penalty of perjury and under the laws of the United States, that the foregoing is true and correct.

Executed at Lexington, Kentucky, on September 28, 1983.

MARY SUE HUBBARD